

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 2496 of 2007()

C.C.NO. 280 OF 2003 OF JMFC-i, KANJIRAPPALLY

REVN. PETITIONER:

THOMAS, VADSSERIPARAMBIL HOUSE,
PAZHAMALA BHAGOM, PALAPPA KARA,
EDAKKUNNAM VILLAGE.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2496 of 2007

Dated, this the 2nd day of July 2007

ORDER

The revision petitioner who was the accused in C.C. No. 280 of 2003 on the file of the Judl. Magistrate of the First Class - I, Kanjirappally challenges the conviction entered and the sentence passed against him concurrently by the courts below for offences punishable under Sections 324 and 452 I.P.C. He was sentenced to undergo simple imprisonment for one year and to pay fine of Rs. 1,000/- and on default to pay the fine, to undergo simple imprisonment for 20 days under Sec. 452 I.P.C. and to undergo simple imprisonment for six months and to pay fine of Rs. 2,000/- and on default to pay the fine, to undergo simple imprisonment for 30 days under Sec. 324 I.P.C. It is the said conviction and sentence which are assailed in this revision. The trial Magistrate who had the advantage of seeing the witnesses and assessing their credibility had chosen to believe the prosecution evidence which was confirmed by the lower appellate court. Hence, I do not find any good ground to interfere with the conviction recorded against the revision petitioner. However, having regard to the facts and circumstances of the

case, the sentence imposed on the revision petitioner needs modification. Interests of justice will adequately met by directing him to compensate the victim. Accordingly, for his conviction under Sec. 452 I.P.C., the revision petitioner is sentenced to imprisonment till rising of Court and to pay compensation Rs. 10,000/- (Rupees ten thousand only) to P.W.1, the injured under Section 373 (3) Cr.P.C. The said compensation shall be payable within two months from today, failing which the sentence imposed on him by the courts below shall revive. For his conviction under Sec. 324 I.P.C. the revision petition shall undergo imprisonment till rising of court and to pay fine of Rs. 5,000/- (Rupees five thousand only) within two months from today and on default to pay the fine, to suffer simple imprisonment for one month. From out of the fine amount, as and when realised, a sum of Rs. 2,000/- (Rupees two thousand only) shall be paid to the complainant/P.W.1 as compensation under Sec. 357 (1) Cr.P.C. The conviction entered against the revision petitioner is confirmed but the sentence is modified as above.

This Crl.R.P. is disposed of accordingly.

**V. RAMKUMAR,
(JUDGE)**

Crl.R.P. No. 2496 of 2007

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